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JAMES R. BROWNING, Clerk

IN THE

Supreme Court of the United States

NO. 663 OCTOBER TERM, 1959

PAUL GINSBURG, Petitioner,

v.

HON. WALLACE S. GOURLEY, Chief Judge, United States District Court for the Western District of Pennsylvania, Respondent.

MOTION FOR PRODUCTION OF RECORDS

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

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To the Honorable, the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

Paul Ginsburg, petitioner, respectfully moves this Honorable Court to enter an Order directed against Hon. Frank H. Schmid, Clerk of the United States Court of Appeals for the Ninth Circuit, requiring and compelling him to produce and deliver to Hon. James R. Browning, Clerk of this Honorable Court, forthwith all of the records and documents on file in the Court of Appeals for the Ninth Circuit in appeal No. 16768 wherein your petitioner, Paul Ginsburg, is the appellant, and Bonn Kraus Ginsburg and John Paul Ginsburg, minors, by their Guardian ad litem, Betty K. Ginsburg, are the appellees, the said production and delivery to the Clerk of this Court being necessary for the use of this Court in the above entitled action; and in support hereof avers:

1. Pending before this Honorable Court in the above entitled action is petitioner's Motion to Vacate

Order Denying Certiorari and for Leave to Amend Petition for Writ of Certiorari, wherein references are made to records originally filed in the Third Circuit as well as in the Ninth Circuit, all of which are necessary to this Honorable Court's full consideration of the above entitled action.

2. All of the documents and records originally filed in both the Third and Ninth Circuits are now in the files of the Clerk of the Court of Appeals for the Ninth Circuit because the action originally instituted in the Western Pennsylvania District of the Third Circuit was transferred to the Arizona District of the Ninth Circuit.

3. On and after April 25, 1960, your movant made requests of the said Clerk of the Court of Appeals for the Ninth Circuit, as well as of the said Court, to produce and forward all of the records and documents on file in that Court in the aforementioned appeal to the Clerk of this Honorable Court for use in the above entitled action, but both the Clerk and the Court refused to do so.

4. In the interest of justice, and to enable this Honorable Court to have before it the entire record to secure full consideration of the merits of the above entitled cause, all of the said records and documents now in the Ninth Circuit should be on file in this Honorable Court, with the result that all of your petitioner's allegations and contentions herein will have full record support.

Respectfully submitted,

PAUL GINSBURG,
Counsel for Petitioner